



Rep. Jack D. Franks

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LRB098 03252 OMW 44304 a

1 AMENDMENT TO HOUSE BILL 433

2 AMENDMENT NO. _____. Amend House Bill 433 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Police Act is amended by adding
5 Section 7.3 as follows:

6 (20 ILCS 2610/7.3 new)

7 Sec. 7.3. Zero Tolerance Alcohol Policy.

8 (a) It is the intent of the General Assembly to maintain a
9 safe environment for the citizens of this State and to ensure
10 that State Police officers are not impaired in a manner that
11 endangers themselves or others. To this end it is declared to
12 be the public policy of this State to provide a work
13 environment free of the use of alcohol and unlawful drugs by
14 on-duty police officers.

15 (b) Every person employed as a State Police officer must
16 comply with the alcohol use and testing requirements of the

1 State Police.

2 (c) A person employed as a State Police officer who tests
3 positive during a blood test for the purpose of determining the
4 alcohol content of the person's blood while on duty pursuant to
5 the procedures of the State Police shall be referred to the
6 State Police Merit Board under this Act for appropriate
7 discipline, where the totality of the circumstances shall be
8 considered. Refusal by any State Police officer to submit to a
9 blood test for alcohol shall be construed as a positive result.

10 (d) Upon finding that a State Police Officer has violated
11 subsection (b) of this Section, the State Police Merit Board
12 shall appropriately discipline the State Police officer.

13 (e) Exemptions. The provisions of this Section shall not
14 apply to the following:

15 (1) any State Police officer that has been assigned by
16 the Director to work undercover, while his or her identity
17 as a police officer must remain a secret for the purposes
18 of the assignment; and

19 (2) State Police officers exempt under subsection (g)
20 of Section 10-1 of Article 10 of the Liquor Control Act of
21 1934.

22 (f) To the extent that this Section conflicts with an
23 employment contract in effect on the effective date of this
24 Section, the conflicting provision shall not apply until that
25 contract expires or is renewed, renegotiated, or superseded.

1 Section 10. The Counties Code is amended by adding Sections
2 3-7018 and 3-6040 as follows:

3 (55 ILCS 5/3-6040 new)

4 Sec. 3-6040. Zero Tolerance Alcohol Policy.

5 (a) It is the intent of the General Assembly to maintain a
6 safe environment for the citizens of this State and to ensure
7 that deputy sheriffs are not impaired in a manner that
8 endangers themselves or others. To this end it is declared to
9 be the public policy of this State to provide a work
10 environment free of the use of alcohol and unlawful drugs by
11 on-duty deputy sheriffs.

12 (b) Every person employed as a deputy sheriff must comply
13 with the alcohol use and testing requirements of the sheriff.

14 (c) A person employed as a deputy sheriff who tests
15 positive during a blood test for the purpose of determining the
16 alcohol content of the person's blood while on duty pursuant to
17 the procedures of the employing sheriff's office shall be
18 referred to the sheriff for appropriate discipline, where the
19 totality of the circumstances shall be considered. Refusal by
20 any deputy sheriff to submit to a blood test for alcohol shall
21 be construed as a positive result.

22 (d) Upon finding that a deputy sheriff has violated
23 subsection (b) of this Section, the sheriff shall appropriately
24 discipline the deputy sheriff.

25 (e) Exemptions. The provisions of this Section shall not

1 apply to the following:

2 (1) any deputy sheriff that has been assigned by the
3 sheriff to work undercover, while his or her identity as a
4 deputy sheriff must remain a secret for the purposes of the
5 assignment;

6 (2) deputy sheriffs exempt under subsection (g) of
7 Section 10-1 of Article 10 of the Liquor Control Act of
8 1934;

9 (3) Cook County deputy sheriffs who are subject to
10 Section 3-7018 of this Code.

11 (f) To the extent that this Section conflicts with any
12 employment contract in effect on the effective date of this
13 Section, the conflicting provision shall not apply until that
14 contract expires or is renewed, renegotiated, or superseded.

15 (55 ILCS 5/3-7018 new)

16 Sec. 3-7018. Zero Tolerance Alcohol Policy.

17 (a) It is the intent of the General Assembly to maintain a
18 safe environment for the citizens of this State and to ensure
19 that Cook County deputy sheriffs are not impaired in a manner
20 that endangers themselves or others. To this end it is declared
21 to be the public policy of this State to provide a work
22 environment free of the use of alcohol and unlawful drugs by
23 on-duty Cook County deputy sheriffs.

24 (b) Every person employed as a Cook County deputy sheriff
25 must comply with the alcohol use and testing requirements of

1 the Cook County Sheriff.

2 (c) A person employed as a Cook County deputy sheriff who
3 tests positive during a blood test for the purpose of
4 determining the alcohol content of the person's blood while on
5 duty pursuant to the procedures of the Cook County Sheriff
6 shall be referred to the Cook County Sheriff's Merit Board
7 under this Division 3-7 for appropriate discipline, where the
8 totality of the circumstances shall be considered. Refusal by
9 any Cook County deputy sheriff to submit to a blood test for
10 alcohol shall be construed as a positive result.

11 (d) Upon finding that a Cook County deputy sheriff has
12 violated subsection (b) of this Section, the Cook County
13 Sheriff's Merit Board shall appropriately discipline the
14 deputy sheriff.

15 (e) Exemptions. The provisions of this Section shall not
16 apply to the following:

17 (1) any Cook County deputy sheriff who has been
18 assigned by the Cook County Sheriff to work undercover,
19 while his or her identity as a deputy sheriff must remain a
20 secret for the purposes of the assignment; and

21 (2) any Cook County deputy sheriff who is exempt under
22 subsection (g) of Section 10-1 of Article 10 of the Liquor
23 Control Act of 1934.

24 (f) To the extent that this Section conflicts with an
25 employment contract in effect on the effective date of this
26 Section, the conflicting provision shall not apply until that

1 contract expires or is renewed, renegotiated, or superseded.

2 (g) Home rule. A home rule unit may not regulate the
3 discipline of a Cook County deputy sheriff who tests positive
4 during a blood test for the purpose of determining the alcohol
5 content of the person's blood in a manner that is inconsistent
6 with this Section. This Section is a limitation under
7 subsection (i) of Section 6 of Article VII of the Illinois
8 Constitution on the concurrent exercise by home rule units of
9 power and functions exercised by the State.

10 Section 15. The Illinois Municipal Code is amended by
11 adding Section 10-3-13 as follows:

12 (65 ILCS 5/10-3-13 new)

13 Sec. 10-3-13. Zero Tolerance Alcohol Policy.

14 (a) It is the intent of the General Assembly to maintain a
15 safe environment for the citizens of this State and to ensure
16 that police officers are not impaired in a manner that
17 endangers themselves or others. To this end it is declared to
18 be the public policy of this State to provide a work
19 environment free of the use of alcohol and unlawful drugs by
20 on-duty police officers.

21 (b) Every person employed as a policeman must comply with
22 the alcohol use and testing requirements of the chief of
23 police.

24 (c) A person employed as a policeman who tests positive

1 during a blood test for the purpose of determining the alcohol
2 content of the person's blood while on duty pursuant to the
3 procedures of the employing police department shall be referred
4 to the chief of police or other appropriate board or official
5 for appropriate discipline, where the totality of the
6 circumstances shall be considered. Refusal by any policeman to
7 submit to a blood test for alcohol shall be construed as a
8 positive result.

9 (d) Upon finding that a policeman has violated subsection
10 (b) of this Section, the chief of police or other appropriate
11 board or official shall appropriately discipline the
12 policeman.

13 (e) Exemptions. The provisions of this Section shall not
14 apply to the following:

15 (1) any policeman that has been assigned by the chief
16 of police to work undercover, while his or her identity as
17 a policeman must remain a secret for the purposes of the
18 assignment; and

19 (2) policemen exempt under subsection (g) of Section
20 10-1 of Article 10 of the Liquor Control Act of 1934.

21 (f) To the extent that this Section conflicts with an
22 employment contract in effect on the effective date of this
23 Section, the conflicting provision shall not apply until that
24 contract expires or is renewed, renegotiated, or superseded.

25 (g) Home rule. A home rule unit may not regulate the
26 discipline of a policeman who tests positive during a blood

1 test for the purpose of determining the alcohol content of the
2 person's blood in a manner that is inconsistent with this
3 Section. This Section is a limitation under subsection (i) of
4 Section 6 of Article VII of the Illinois Constitution on the
5 concurrent exercise by home rule units of power and functions
6 exercised by the State.

7 Section 90. The State Mandates Act is amended by adding
8 Section 8.37 as follows:

9 (30 ILCS 805/8.37 new)

10 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8
11 of this Act, no reimbursement by the State is required for the
12 implementation of any mandate created by this amendatory Act of
13 the 98th General Assembly.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."